

MINUTES

MONTANA SENATE 57th LEGISLATURE - REGULAR SESSION COMMITTEE ON PUBLIC HEALTH, WELFARE AND SAFETY

Call to Order: By **CHAIRMAN AL BISHOP**, on January 31, 2001 at 3 P.M., in Room 317-A Capitol.

ROLL CALL

Members Present:

Sen. Al Bishop, Chairman (R)
Sen. Duane Grimes, Vice Chairman (R)
Sen. Bob DePratu (R)
Sen. Eve Franklin (D)
Sen. Don Hargrove (R)
Sen. Dan Harrington (D)
Sen. Royal Johnson (R)
Sen. Jerry O'Neil (R)

Members Excused: Sen. Chris Christiaens (D)
Sen. Emily Stonington (D)
Sen. Fred Thomas (R)

Members Absent: None.

Staff Present: Jeanne Forrester, Committee Secretary
Susan Fox, Legislative Branch

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: SB 271, 1/23/2001; SB 290,
1/23/2001
Executive Action: SB 271, SB 248; SB 171; SB
107; SB 169

HEARING ON SB 271

Sponsor: SEN. KEN TOOLE, SD 27 Helena

Proponents: Steve Malloy, Administrator of the Professional
Licensing Division
Sami Butler, Montana Nursing Association

Opponents: None

Opening Statement by Sponsor:

SEN. KEN TOOLE, SD 27 Helena, introduced SB 271. This is a bill to delete the requirement for compensation from the statement of purpose and definitions applicable to statutes regulating the practice of nursing. He said this is a simple housekeeping bill that has gone awry. He would like to have this bill gently tabled. He may be back at a later date to ask this bill be untabled.

Proponents' Testimony:

Steve Malloy, Administrator of the Professional Licensing Division, asked the committee to take **SEN. TOOLE'S** suggestion to table this bill. In nursing law, there are two conflicting statutes, and now they are looking at **REP. LAWSON'S** bill to clean up the confusion.

Sami Butler, Montana Nursing Association, said they would be happy to table this bill gently.

Opponents' Testimony: None

Questions from Committee Members and Responses:

SEN. GRIMES asked if this bill were taken off the table would you still be for the bill. **Ms. Butler** said they would still be a proponent.

Closing by Sponsor:

SEN. TOOLE thanked the committee for a wonderful hearing.

EXECUTIVE ACTION ON SB 271

Motion/Vote: **SEN. JOHNSON** moved that **SB 271 BE TABLED.** Motion carried 7-0.

HEARING ON SB 290

Sponsor: SEN. EVE FRANKLIN, SD 21, Great Falls

Proponents:

Cathy Caripcuoli Montana State University
Laurel Andrechak
Stephanie Catron, Fairfield Medical Clinic
Judy Peterson, Montana Hospital Association
Sami Butler, Montana Nurses Association
Beda Lovitt, Montana Medical Association

Opponents: None

Opening Statement by Sponsor:

SEN. EVE FRANKLIN, SD 21, Great Falls, introduced SB 290 which would allow certified advanced practice registered nurses (APRN) to sign death certificates. She said this just seems to be a reasonable and pragmatic follow through for what is current practice. SEN. FRANKLIN read some excerpts in a letter from Carla Gibson **EXHIBIT** (phs25a01).

Proponents' Testimony:

Cathy Caripcuoli, Montana State University, Nurse Practitioner Coordinator, said she was here to testify in support of SB 290. She felt APRN's are very qualified to provide medical certification on a death certificate. These APRN's are the health care providers for these clients and they are most familiar with the illnesses of these clients. APRN's are often the only health care providers in rural communities and nursing homes. If they cannot sign the death certificates, it causes untimely delays. This bill can speed up the process and lessen the effects on the family.

Laurel Andrechak, Fort Benton, was a family nurse practitioner and was in support of this bill. She said she made the diagnosis, provided the treatment and was frequently with the client when they die. She urged the committee to support SB 290.

Stephanie Catron, Fairfield Medical Clinic, said she is a family nurse practitioner and is the only primary care provider in her community. She urged the committee to support this bill.

Judy Peterson, Montana Hospital Association, said they rise in support of SB 290. She said that in many rural and small hospitals, the APRN is the sole primary care practitioner. The APRN's have the authority to admit patients, write orders for their plan of care, and discharge these patients. It would only

make sense that they would be able to attend to the paperwork requirements that accompany the death of their patients.

Sami Butler, Montana Nurses Association, said she would like to thank **SEN. FRANKLIN** for bringing this bill forward. It would be most logical and appropriate for the APRN, who has provided the end of life care for the patient, to be the one who would sign the death certificate.

Ms. Butler provided testimony from the Mineral County Sheriff and Coroner and other individuals **EXHIBIT (phs25a02)**.

Beda Lovitt, Montana Medical Association, said this bill reflects the scope of practice these APRN's have, and would eliminate some bureaucratic hassle, by allowing them to sign death certificates. She asked the committee to please support this bill.

Opponents' Testimony: None

Questions from Committee Members and Responses:

SEN. GRIMES asked if there was unity among the organizations over this proposal. **Ms. Lovitt** said the MNA's legislative committee looked at the various bills and they were in agreement on this bill. They had looked at the issue and felt that an individual who signed the certificate should have had contact with the patient.

SEN. GRIMES asked if this will follow the scope of practice used in other states. **Ms. Butler** said that other states have passed this legislation.

SEN. BISHOP said his wife died in 1991, and he wondered if the nurse would have been able to sign the death certificate. **SEN. FRANKLIN** said it was more likely that a physician signed the death certificate.

Closing by Sponsor:

SEN. FRANKLIN said she had spoken with **Ms. Butler** about having physicians assistants(PA) included in this bill, but the PA's felt they did not need to expand their scope of practice.

EXECUTIVE ACTION ON SB 248

SEN. GRIMES passed out the amendments to SB 248 **EXHIBIT (phs25a03)** SB0248.01 asf.

Motion: SEN. GRIMES moved that SB 248 BE AMENDED, SB0248.01asf.

Discussion:

SEN. HARRINGTON asked for clarification of the incident report. SEN. GRIMES said the incident report would be a written business record, created at or shortly after the event, specific to the patient. It would not include the evaluation of the event. He said the fear is that the peer review would be opened up to the plaintiff.

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SEN. FRANKLIN said she was concerned about incident reports. She said sometimes incident reports may not be fully understood until much later. She was concerned about limiting incidents reports to shortly after the time of the event. SEN. GRIMES said he understood her concerns.

SEN. FRANKLIN suggested changing the language of SB0248.01.asf EXHIBIT (3).

Ms. Fox said changing the language of "created at or shortly after the time of an event", would change the intent of the amendment.

SEN. FRANKLIN revised the wording of amendment number one, SBO24802.asf., EXHIBIT (phs25a04).

SEN. GRIMES asked if that language would create a problem. Mr. Flink said it would not.

SEN. GRIMES moved to withdraw his previous motion.

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Motion: SEN. GRIMES moved THE REVISED AMENDMENTS OF SB 248 BE ADOPTED, SB024802.asf EXHIBIT (4)

Vote: Motion carried 9-0.

Motion: SEN. GRIMES moved that SB 248 DO PASS AS AMENDED.

Discussion:

SEN. FRANKLIN moved to segregate amendment four EXHIBIT (phs25a05) of the amendments from the Montana Trial Lawyers Association.

SEN. HARGROVE felt this would exclude the peer audit.

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SEN. O'NEIL said we are creating a mechanism for the hospital, to get all the information into a peer review. Thereby, protecting the hospital from any information that could be used against them. That could be very dangerous.

SEN. FRANKLIN said maybe there should be some different language for the amendment.

SEN. FRANKLIN withdrew her motion to segregate amendment 4.

Motion/Vote: **SEN. GRIMES** moved that **SB 248 DO PASS AS AMENDED, SB0248.02.asf**. Motion carried 8-1 with O'Neil voting no. **SEN. HARRINGTON** and **SEN. THOMAS** voted by proxy.

EXECUTIVE ACTION ON SB 171

SEN. GRIMES had an amendment for SB 171, offered by the bill's sponsor, **SEN. GLASER**. The committee asked **Amy Pfeifer** from the **Child Support Enforcement Division** (CSED) to explain the amendments **EXHIBIT**(phs25a06).

Motion: **SEN. HARGROVE** moved that **SB 171 BE AMENDED**.

Discussion:

SEN. O'NEIL asked what happens if someone collects child support, other than through the CSED. **Ms. Pfeifer** said the department only issues warrants for those people who are using their department.

Vote: Motion carried 9-0.

Motion/Vote: **SEN. HARGROVE** moved that **SB 171 DO PASS AS AMENDED**. Motion carried 9-0. **SENATORS HARRINGTON, THOMAS** and **JOHNSON** voted by proxy.

EXECUTIVE ACTION ON SB 107

Ms. Fox passed out the amendments to SB 107, **EXHIBIT**(phs25a07) **sb010701.asf**.

SEN. FRANKLIN explained the amendments and said she was not going to offer amendment 4 of the amendments.

Motion/Vote: **SEN. FRANKLIN** moved **AMENDMENTS 1,2,3,AND 5 OF SB 107**. Motion carried 9-0.

Motion/Vote: **SEN. FRANKLIN** moved that **SB 107 DO PASS AS AMENDED EXHIBIT (phs25a08) SB010702.asf**. Motion carried 9-0. **SENATORS HARRINGTON, THOMAS** and **JOHNSON** voted by proxy.

EXECUTIVE ACTION ON SB 169

SEN. FRANKLIN passed out the amendments of SB 169 **EXHIBIT (phs25a09) SB016901.asf**. This amendment would allow direct entry midwives administer tests for Hepatitis B.

Motion/Vote: **SEN. FRANKLIN** moved that **SB 169 BE ADOPTED AS AMENDED**. Motion carried 9-0.

Motion: **SEN. FRANKLIN** moved that **SB 169 DO PASS AS AMENDED**.

Discussion:

SEN. GRIMES asked if this would cost approximately \$40 to \$50 for every mother. **SEN. FRANKLIN** said there was a cost and asked **Ms. Martin** to explain. **Ms. Martin** said upon investigation of the medical aspect of this, it turned out there is not going to be a fiscal impact on Medicaid. She said that in current law, there is a requirement to do a prenatal screening of the mother, which does include Hepatitis B.

SEN. GRIMES said he was more concerned about the cost to the patient. **Ms. Martin** said it is already included in the screening, therefore, there is no additional cost.

SEN. GRIMES asked when does a doctor order a specific test for Hepititas B. **Ms. Martin** replied if the doctor feels ths women is at particular risk for Hepatitis B.

SEN. O'NEIL wondered if this bill would save money overall. **Ms. Martin** said they are not changing the scope of practice for anyone, this bill says if that particular provider is not allowed to do the test, they will be referred to someone who can.

Vote: Motion carried 9-0. **SENATORS HARRINGTON, HARGROVE, JOHNSON** and **THOMAS** voted by proxy.

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ADJOURNMENT

Adjournment: 4:30 P.M.

SEN. AL BISHOP, Chairman

JEANNE FORRESTER, Secretary

AB/JF

EXHIBIT (phs25aad)